



**Independent Office of Law Enforcement Review and Outreach (IOLERO)
Community Advisory Council (CAC)
Public Meeting Agenda
August 2, 2023 6:00 p.m.
Sonoma County Office of Education
5340 Skylane Boulevard
Redwood A and B rooms
Santa Rosa, CA. 95403**

The August 2, 2023 Community Advisory Council meeting will be held as an in-person/online hybrid format.

MEMBERS OF THE PUBLIC MAY ATTEND THIS MEETING IN PERSON AT THE ADDRESS ABOVE, OR MAY JOIN THE MEETING VIRTUALLY THROUGH ZOOM.

Members of the Community Advisors Council will attend the meeting in person, except that they may attend virtually via ZOOM, to the extent allowable by the Brown Act for good cause pursuant to AB-2449.

Join the Zoom meeting application on your computer, tablet or smartphone:

Go to:

<https://sonomacounty.zoom.us/j/91762357306?pwd=ai9VSkFZeUdNWW5WRCtwYUJzR3gwQT09>

Please be advised that those participating in the meeting remotely via Zoom do so at their own risk. The CAC's public meetings will not be cancelled if any technical problems occur during the meeting.

Call-in and listen to the meeting:

By telephone: Dial 1-669-900-9128

Webinar ID: 917 6235 7306

Passcode: (IOLERO) 465376

1. Spanish interpretation will be provided as an accommodation if requested in advance. Please contact the CAC Community Engagement Manager at (707) 565-1534 or by email cac@sonoma-county.org by Noon on Friday, July 28, 2023. We will make every effort to provide for an accommodation. Spanish interpretation will be provided within the zoom application, you must use version 5.9.0 or later.
2. **Interpretación al español se proveerá si usted lo pide antes de la junta.** Por favor llame al Gerente de Compromiso Comunitario del CAC al 707-565-1534 o notifícanos por correo electrónico cac@sonoma-county.org antes de las 5:00 p.m., el viernes, 28 de Julio del 2023. Haremos todo lo posible para complacerlo. Para traducción en español, se tiene que usar la versión de Zoom 5.9.0 o una versión más adelantada.

3. If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, please contact the CAC Community Engagement Manager at (707) 565-1534 or by email cac@sonoma-county.org by Noon on Friday, July 28, 2023. We will make every effort to provide for an accommodation.

Public Comment at Community Advisory Council Meetings

Members of the public are free to address the CAC. Public comments:

- Should fall under the subject matter jurisdiction of the CAC (as noted in the founding documents).
- Are time-limited. Time limitations are at the discretion of the Director and Chair and may be adjusted to accommodate all speakers.

In addition to oral public comment at the meetings, the community is also invited to communicate with IOLERO staff and CAC members through email. Members of the public who would like to make statements that may exceed the time limits for public comment, suggest topics to be placed on future agendas, or suggest questions to be raised and discussed by CAC members or staff, may send an email addressing these matters to CAC@sonoma-county.org

CAC members may not deliberate or take action on items not on the agenda, and may only listen and respond briefly in limited circumstances. Should CAC members wish to deliberate on an issue raised during public comment, that issue may be placed on a future agenda of the CAC for discussion and possible action. Materials related to an item on this Agenda submitted to the CAC after distribution of the agenda packet are available for public inspection in the IOLERO office at the above address during normal business hours or via email.

Agenda

1. CALL TO ORDER, ROLL CALL

2. COMMITMENT TO CIVIL ENGAGEMENT

3. APPROVAL OF JUNE 5, 2023 MEETING MINUTES

4. OPENINGS AND APPOINTMENTS

Chair will report out on current openings and appointments.

A. Introduction of Esther Lemus, Appointee for District 4

B. Current Vacancies:

- District 2
- District 3
- District 4

5. CORRESPONDENCE ITEMS

The Chair will report out on correspondence items relevant to CAC business.

6. DIRECTOR'S REPORT

Attachment 1

7. SHERIFF'S LIAISON REPORT (ORAL REPORT ONLY)

8. BUSINESS ITEMS

A. Receive Presentation on Topic of De- Escalation from Sonoma County Sheriff's Office and Conduct Discussion

i. CAC De-Escalation – Ad Hoc Policy Recommendation
Attachment 2

ii. Sheriff's Office De -Escalation Policy explained
Attachment 3

iii. Sheriff's Office Use of Force Policy explained
Attachment 4

B. CAC Orientation Conducted by IOLERO Staff

9. CAC COMMITTEE REPORTS (VERBAL REPORTS)

Councilmembers to provide verbal reports and/or updates on the work being conducted by their committees. There are no written reports for these items.

A. Community Engagement

B. Extremism in Policing

C. Racial and Identity Profiling Act (RIPA)

D. Recruitment and Hiring Practices

10. OPEN TIME FOR PUBLIC COMMENT

This section is intended for items not appearing on the agenda but within the subject matter jurisdiction of the CAC. Please state your name and who you represent, if applicable. Comments will be limited at the discretion of the chairs based on number of comments and other factors.

11. REQUESTS FOR FUTURE AGENDA ITEMS

12. CAC PAST MEMBERS RECOGNITION

13. ADJOURNMENT

The next regular meeting of the Community Advisory Council will be Wednesday September 6, 2023 at 6:00pm. The in-person/hybrid meeting will be at the following location:

Sonoma County Office of Education
5340 Skylane Boulevard
Redwood A and B rooms
Santa Rosa, CA. 95403

Commitment to Civil Engagement

All are encouraged to engage in respectful, non-disruptive communication that supports freedom of speech and values diversity of opinion. We, the members of the CAC, have adopted a list of norms referred to as our “Designed Team Alliance”, which describes the way we want to show-up and be in community while modeling collaborative behavior. We request that CAC members, staff, and the public follow the CAC’s agreed upon norms, which are:

- Be tough on the topic not on people
- Respect all participants in the meeting
- Respect others’ perspective, even when you disagree
- Respect each other’s time
- Stay within the meeting’s time and content parameters
- Practice active listening
- Listen with an open mind to all information, including dissenting points of view
- Speak to others as you would like to be spoken to
- Allow others to speak without comment or intrusive sounds
- Honor freedom of speech
- Call each other “in”



Community Advisory Council Meeting Minutes
Independent Office of Law Enforcement Review and Outreach
June 5, 2023

Members of the public and CAC members attended this meeting in person/online hybrid format. June 5, 2023 Community Advisory Council meeting was held hybrid in person and via zoom.

PRESENT

Council Members: Tom Rose, Nathan Solomon, Nancy Pemberton, Lorena Barrera, Darnell Bowen, Maxwell Pearl, Robin Jurs, Marcy Flores

IOLERO Staff: John Alden, Director; Lizett Camacho, Community Engagement Manager

Members of the Public: 17 members of the public attended via ZOOM. 7 members attended in-person.

Sheriff's Office: Absent

Absent: Evan Zelig

Call to Order

The meeting was called to order at 6:00 p.m.

AGENDA

1. WELCOME AND ROLL CALL

Facilitated by CAC Chair Barrera

A. Agenda Review

C. Commitment to Civil Engagement

2. APPROVAL OF MAY 1, 2023 MEETING MINUTES

A. Motion to approve: Councilmember Solomon
2nd: Councilmember Rose

Vote:

Ayes: Solomon, Rose, Pemberton, Barrera, Bowen, Jurs, Pearl

Abstain: Flores

3. OPENINGS AND APPOINTMENTS

A. Introduced Robin Jurs as new CAC appointee (filling district 1 vacancy)

Total of 11 CAC positions, 2 per district (5 total districts) which are assigned by each District Supervisor, 1 at-large vacancy filled by the IOLERO Director.

B. We continue to have the following vacancies:

1. District 2
2. District 3

4. CORRESPONDENCE ITEMS

A. An email received from Sonoma County Pride festival attendee received by the CAC. Email will be discussed in the next CAC agenda planning meeting.

5. DIRECTOR'S REPORT

Letters of Agreement- We have finished changes to the Letters of Agreement that were reached last year. We have re-posted the entire Letters of Agreement with changes on our IOLERO website. Our goal for the last 8 months or so has been to resolve all the concerns that the CAC has brought up regarding the Letters of Agreement. We have also discussed how to resolve Whistleblower complaint issues. IOLERO will be able to share with county employees about the whistleblower tool availability this summer.

Posting of the meeting agenda- We did receive feedback that our agenda got posted a little late for this specific meeting tonight. We apologize for that. We are working on providing more material for the agenda so that everyone has the information needed for the meeting in advance. We are meeting tomorrow on how we can improve the process for posting the agenda material on a timely manner.

Community Outreach-We are currently working on launching a Spanish version of the website instead of using google translate. We have a series of Spanish language radio ads about IOLERO that Lizett has done a fantastic job being the main voice on those radio ads. We are super excited to see how those land with the Spanish speaking communities. We have attended the following community events: 5 de Mayo event in Santa Rosa as well as Town of Sonoma, Indigenous People's Gathering in Santa Rosa, the grand opening of the Community Mental Health Hub at the Hanna Center in Sonoma, and the Sonoma County Pride Festival. We will also be tabling at the Petaluma Fair this month as well as the Santa Rosa Fair in early August. These events are being promoted through the radio ads that we mentioned earlier.

Staffing at IOLERO- Lastly, we have 3 new staff members starting IOLERO next week: one full-time Administrative Aide, one full-time Auditor, and one part-time Auditor. Coincidentally, all three new staff members will start in the same day, effectively doubling our staff size in one day.

6. **SHERIFF'S LIAISON REPORT**

There was no report from the Sheriff's Liaison.

7. **BUSINESS ITEMS**

A. Discussion and Possible Action on the Report and Recommendation
Introduced by the Ad Hoc Committee on Extremism

Public comment: 4 members of the public addressed the CAC.

Motion to approve the report and recommendation on Extremism by Councilmember
Pearl

2nd: Councilmember Solomon

Vote:

Ayes: Barrera, Pemberton, Solomon, Bowen, Jurs, Flores, Rose, Pearl

Abstain:

Motion carries.

B. Consideration and Possible Approval of the Revised CAC Bylaws

Public comment: 1 member of the public addressed the CAC.

Motion to approve the revised CAC Bylaws by Councilmember Rose

2nd: Councilmember Jurs

Vote:

Ayes: Barrera, Jurs, Bowen, Solomon, Rose, Flores, Pearl, Pemberton

Abstain:

Motion carries.

C. Consideration and Possible Approval of Letter in Support of AB 817
(Pacheco): Local Government: Open Meetings

Public Comment: 3 members of the public addressed the CAC.

Motion to approve the Letter in Support of AB 817 by Vice Chair Pemberton

2nd: Councilmember Pearl

Vote:

Ayes: Barrera, Pemberton, Rose, Flores, Bowen, Jurs, Solomon, Pearl

Abstain:

Motion carries.

8. CAC AD HOC REPORTS

A. Community Engagement: Report was given by the IOLERO Director. The public is welcomed to suggest any ideas for community engagement. We will have a discussion next meeting about new members signing up for Community Engagement Ad Hoc committee and committing to a meeting date and time.

B. Extremism in Policing- Report was given during business item 7A.

C. Racial and Identity Profiling Act (RIPA)- Tom, Nathan, Lorena, and Darnell had a group meeting and came up with questions. The Ad Hoc was looking for answers and Lt Jones has provided those answers. The Ad Hoc is now organizing another meeting to review those responses and see if there is need for clarification and need for a clear understanding regarding RIPA and the information that is collected from the Sheriff's Office.

D. Recruitment and Hiring Practices-The CAC did have a presentation last meeting, which provided a lot of good information. Members need to sign up and organize a meeting date and time. Nancy and Nathan have signed up.

9. OPEN TIME FOR PUBLIC COMMENT

Public comment: 4 members of the public addressed the CAC.

10. REQUESTS FOR FUTURE AGENDA ITEMS

No future agenda items were suggested.

11. ADJOURNMENT

The meeting was adjourned at 7:46pm.

The next meeting of the CAC is scheduled for Wednesday, August 2, 2023, at 6:00pm and it will be hybrid (via zoom and in-person).

The regular meeting for July 5, 2023, is canceled.

Location:

**Sonoma County Office of Education
5340 Skylane Boulevard
Redwood A and B rooms
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ATTACHMENT 1



DATE: July 12, 2023

TO: Members of the Community Advisory Council (CAC)

FROM: John Alden, IOLERO Director

RE: Monthly Director's Report for CAC Meeting of August 2, 2023;
Update on Completeness Checklist

Among IOLERO's many duties is to pass on whether the Sonoma County Sheriff's Office (SCSO) Internal Affairs investigations are "complete." In order to ensure consistency from audit to audit within IOLERO, and to better inform SCSO about the metrics used at IOLERO to assess completeness, IOLERO staff have completed the attached Completeness Checklist. We'll be using this checklist for all audits completed in Fiscal Year '23-'24.

This Completeness Checklist will be the subject of a longer oral report at the CAC meeting of August 2, 2023.

**IOLERO COMPLETENESS CHECKLIST
FOR AUDITING IAD INVESTIGATIONS**

7-1-23

PRELIMINARY ITEMS	Mark when Completed
Identify and list the issues/allegations reasonably raised by the incident.	
FACT DEVELOPMENT	
Timely gather documentary / video / audio evidence, including BWC files and Dispatch files. If any are missing, explain why in the report.	
Timely interview subjects, complainants, witnesses (recorded by audio/video)	
<p>** Explore and where necessary, challenge, factual assertions to ensure objective record; eliminate shorthand use of phrases/terms of art, and/or require they be substantively explained on the record. Interviews need not be adversarial, but they do need to be probative. Avoid leading questions and questions suggesting justifications for the deputy's conduct. Obtain non-interrupted narratives from interviewees when possible and clarify/elaborate with targeted follow up questions.</p> <p>** Have deputies identify with as much specificity as possible the facts known to or perceived by the deputy at the time actions were taken, and the source of those facts, as they relate to the incident under review</p>	
<i>Use of Force Matters</i> (in addition to the foregoing)	
Establish whether (and specifically how) use of force factors listed in policy were considered by deputy(s)	
Establish whether (and specifically how) <u>proportionality</u> was considered by deputy(s)	
Establish whether (and specifically how) <u>de-escalation</u> was considered by deputy(s)	

Establish specific facts which deputy believed showed reasonableness of the force under the Fourth Amendment.	
<i>Critical Incident Protocol Matters</i> (when SCSO is Employing Agency)	
Check for compliance with the SCSO policy, not just assessing whether the deputy committed a crime. For example, check for compliance with the Critical Incident Protocol at the scene and for deputy compliance with SCSO de-escalation policy and training. This will often require a separate interview of involved deputies/witnesses to address SCSO policy, not just reliance on the investigating agency's interviews.	
Remember that the District Attorney or Attorney General's decision not to file criminal charges does not tell us whether there was a violation of policy.	
EVALUATION OF LAW / POLICY	
Explain SCSO's interpretation of the law/policy in issue.	
Summarize training, if relied on by deputy.	
Summarize experience, if relied on by deputy.	
Summarize deputy understanding of law/policy.	
APPLY LAW / POLICY TO FACTS	
Analyze facts under the law/policy as interpreted by SCSO.	
Identify ambiguity in law/policy.	
Identify and address factual contradictions and credibility issues, such as the impact of missing BWC or contradictions in witness testimony.	
Address whether deputy was directed by superiors to take specific action.	

<i>Use of Force Matters</i> (in addition to the foregoing)	
Provide complete analysis of balancing of interests under <i>Graham v. Connor</i> .	
Provide complete analysis of relevant use of force factors in SCSO Policy and California statutes.	
Provide complete analysis of <u>proportionality</u> balance.	
Provide complete analysis of <u>de-escalation</u> considerations.	
<i>Critical Incident Protocol Matters</i> (when SCSO is Employing Agency)	
Do not rely solely on the District Attorney's evaluation of whether charges will be filed <u>criminally</u> ; conduct separate analysis of whether deputy followed SCSO <u>policy</u> . This will often involve separate administrative interviews.	
WRITTEN REPORT	
All the facts and analysis used to reach a conclusion should be stated here, so the reader does not have to go elsewhere to understand the report.	
Avoid terms-of-art, or otherwise explain such terms. For example, instead of writing "the deputy de-escalated," instead write "The deputy stepped back a few paces, and told the man to take his time to explain what was going on."	
Summary of how record supports the finding of sustained, exonerated, unfounded, or not sustained, based on statutory and policy definitions. Use the "Allegation, Policy, Facts, Conclusion" four-sentence paragraph as a start.	
PRESERVATION OF RECORD	
Place all materials and evidence in AIM.	
Retain all BWC files in Evidence.com.	

Use of Force & Defensive Tactics



Community Advisory Council
August 2, 2023



Use of Force

When can a peace officer use force?



- Prevent Escape



- Overcome Resistance

- Self Defense or Defense of others



- Effect an Arrest



What are the types of force/influence we use?

- Command Presence
- Verbal Commands
- Firm grip
- Control Holds
- Handcuffing
- Personal Body Weapons
- Carotid Restraint
- Baton
- O.C. spray
- Taser
- Firearm

- So what do I use first?



It Depends...

Short Answer:

Different Factors to Consider



• External:

- Level of Resistance
- Number of Suspects
- Severity of the Crime
- Presence of Weapons
- Environment
- Opponent Skills
- Known History
- Time
- Etc.....

• Internal:

- Deputy's Abilities
- Perception
- Fitness level
- Experience
- Fear





Use of Force Continuum Example:





Legal Rules regarding force



Legal Foundation Governing Use of Force

- Federal:
 - Tennessee V Garner – Lethal Force for Fleeing Felons (1985)
 - Graham V Conner – National Use of Force Standard (1989)
- State:
 - 836 PC – Authority to arrest
 - 835a PC – Peace officer's authority to use force
 - 834a PC – It is unlawful to resist arrest
- Local:
 - Use of Force Policy
 - There are 13+ policies related to the use of force.
- Any new case law that comes up along the way.....



How are we Judged?

- Reasonable Officer Standard (Created by Graham):
 - Would an officer with like or similar training and experience, facing the same circumstances, act in the same or similar way?
 - Everything is based on what is reasonable, not necessarily what someone else later determines is best.
 - It is judged from the officer's perspective.
 - It is not based on hindsight or second guessing.
 - Situations can be too fast and too dynamic.
- It is based on the totality of the circumstances known at the time of the event.

In Summary.....



Suspects Behaviors
Facts & circumstances known to officer at the time of the incident

Legal Standing
Policy / Law
FOURTH AMENDMENT

Objectively Reasonable Standard
In Light of the Facts and Circumstances Confronting Officer

Graham vs. Connor, 490 U.S. 386 (1989)

Factors include but are not limited to:

- Facts and circumstances of a particular case;
- Severity of the crime at issue;
- Suspect posing immediate threat to safety of officers/ others;
- Suspect actively resisting arrest or attempting to evade arrest by flight;
- Time available to officer to make decision;
- Reasonable officer's perspective, based upon training and experience, without 20/20 hindsight;
- Officer/ suspect factors such as: number of officers vs. number of suspects; proximity of potential weapons; age/ size/ relative strength; suspect's special knowledge/ skill level; officer injury/ exhaustion; suspect's mental illness/ drug usage; officer's knowledge of prior contacts; risk of escape; environmental factors; other exigent circumstances.

Officer(s) Reactions
Type and amount of force used in response to suspect actions / behaviors

ADJUDICATION

Suspect's Behaviors

+

Officer's Response

=

Objective Reasonableness

Yes
In Policy

No Action, Counseling, or Training

No
Out of Policy

Counseling, Training, or Discipline



Use of Force Training



P.O.S.T.

- The Commission on Peace Officer Standards in Training
 - Their mission statement:

The mission of the California Commission on Peace Officer Standards and Training (POST) is to continually enhance the professionalism of California law enforcement in serving its communities.

Recognizing that effective law enforcement is the cornerstone of a free and safe society, POST is committed to a vision of the future that ensures quality, integrity, accountability, and cooperation; encourages new ideas; explores and uses appropriate technologies; and delivers relevant, client-based programs and services.

- Their function:
 - Certification of courses and trainers.
 - Set minimum standards of training.
 - An oversight for law enforcement training in California.

Training Methods

- Current training methods
 - Patrol Briefing
 - Field Training
 - Scenario or Role Playing
 - Presentations
 - Hands on
 - Demonstration based
 - Written / Published
 - Visualization
 - Simulator





Videos



Test Time 2.....



Wrap Up.

Is Law Enforcement Use of Force as Common as it Seems?

ANNUAL USE OF FORCE STATISTICS

Year	Contacts	Contacts per month	Arrests	Arrests per month	Use of Force	Use of force incidents per month	% of contacts resulting in arrest	% of arrests resulting in use of force	% of contacts resulting in use of force
2018	105,460	8,788	7,063	589	254	21.17	6.70	3.60	0.24
2017	106,095	8,841	6,754	563	247	20.58	6.37	3.66	0.23
2016	106,859	8,905	7,145	595	242	20.17	6.69	3.39	0.23
2015	77,889	6,491	4,443	370	246	20.50	5.70	5.54	0.32
2014	84,701	7,058	5,347	446	264	22.00	6.31	4.94	0.31
2013	88,938	7,412	5,700	475	316	26.33	6.41	5.54	0.36
2012	86,171	7,181	5,751	479	299	24.92	6.67	5.20	0.35
2011	89,742	7,479	6,349	529	299	24.92	7.07	4.71	0.33
2010	98,335	8,195	7,574	631	303	25.25	7.70	4.00	0.31
2009	103,684	8,640	7,912	659	312	26.00	7.63	3.94	0.30
Average	94,787	7,899	6,404	534	278	23.18	6.73	4.45	0.30



Use of Force is Kind of Like Chess:

- There are many complex rules
- With many different pieces
- Each piece has its own unique use
- All of it works to achieve the same goal
- The only difference:
 - You only have a split second to choose your piece
 - Even less time to choose your move
 - And if your wrong or too slow you could die.....
 - And the rules could change at a moments notice



Questions?

ATTACHMENT 2

July 12, 2021

CAC - De-Escalation - Ad Hoc

Draft Recommendations to Sonoma County Sheriff's Office

TOPIC: De-Escalation

TO BE SUBMITTED AS PART OF NEW SCSO POLICY 436 - DE-ESCALATION:

Keeping the people of Sonoma County safe is unquestionably of paramount importance to Sonoma County Sheriffs Office.¹ In performance of their duties, the guiding principle for all deputies shall be reverence for the sanctity of every human life.² This office recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians, but also the servants of the public.³ This office is committed to fostering a culture of de-escalation practices and compassion among all personnel, so the practice can be mirrored when interacting with the public.⁴

The authority conferred upon deputies to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity.⁵ As such, whenever feasible, deputies are required to utilize de-escalation techniques as an alternative to force with the goal of resolving encounters without force.⁶ De-escalation is always preferred to its alternative.⁷ Police legitimacy is greatly affected by the use or non-use of de-escalation techniques.⁸

The term de-escalation generally refers to the act of moving from a state of high tension to a state of reduced tension.⁹ De-escalation strategies, tactics, and procedures can result in the peaceful resolution of a situation without the use of force.¹⁰

De-escalation, broken into the sum of its own parts, is skilled communication, conflict resolution, crisis intervention, and influence.¹¹ Those skilled at de-escalation are persuasive and

¹ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on Peace Officer Standards and Training [POST], pg. i.

² LAPD 556.10 Use of Force Policy Preamble; cal Pen. Code section 835a(a)(1).

³ LAPD 556.10 Use of Force Policy Preamble.

⁴ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 63.

⁵ cal. Pen. Code section 835a(a)(1).

⁶ cal. Gov. Code section 7286(b)(1); Camden County Police Department Use of Force Policy, pg. 3. In consultation with the NYU Policing Project.

⁷ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. ix.

⁸ POST LO 20: Chapter 2 - De-Escalation, pg. 2-5.

⁹ Richards, K.J. (2007). De-escalation techniques. In M. T. Compton and R. J. Kotwicki (Eds.), Responding to individuals with mental illnesses (pp. 160-174).

¹⁰ National Consensus Policy and Discussion Paper on Use of Force 2017, pg. 2.

¹¹ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. v.

understand how to defuse aggression, anger, unlawful defiance, or uncontrolled emotions.¹² De-escalation achieves control verbally before action should be taken to accomplish control physically.¹³ De-escalation techniques also include non-verbal action or communication during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat.¹⁴

De-escalation strategies include, but are not limited to, using time, distance, communications, and other available resources to resolve a situation without the need for use of force.¹⁵ Deputies should attempt to control an incident by using time, distance, communications, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so.¹⁶

The four core concepts of de-escalation include:

1. Self-control - understanding of physical and psychological reactions of the public and how law enforcement officers may assist in maintaining self-control.¹⁷
2. Effective communication - clear command and questions, good observation and listening skills, and appropriate terminology will enhance the likelihood of success.¹⁸ Voluntary compliance requires clearly communicated instructions using de-escalation techniques.¹⁹ Remember the importance of voice, neutrality, trustworthiness, and respect.²⁰ Show respect for the subjects involved and be culturally aware of all subjects involved.²¹ Internal and external communications at every organizational point of contact is important; from the front desk or dispatch, where the public makes their initial contact with the Sheriff's Office, to the incidents in the field.²²
3. Scene assessment and management - when possible, provides deputies with an accurate picture of what is occurring and assists in the management of force options.²³ Creating distance may calm an irate individual and help reduce the person's intensity.²⁴ But if doing so poses a loss of situational control, or officer or public safety are further jeopardized, then adding distance may be counterproductive to achieving a positive

¹² Id.

¹³ Id.

¹⁴ National Consensus Policy and Discussion Paper on Use of Force 2017, pg. 2

¹⁵ LAPD 556.10 Use of Force Policy Preamble.

¹⁶ LAPD 556.10 Use of Force Policy Preamble; Cal. Gov. Code section 7286(b)(1).

¹⁷ POST LO 20: Chapter 2 - De-Escalation, pg. 2-5.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.

²¹ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 67.

²² Id. at pg. 64.

²³ Id.

²⁴ POST LO 20: Chapter 2 - De-Escalation, pg. 2-8.

outcome.²⁵ Situational awareness is a critical consideration in de-escalation.²⁶ Recognizing what may be an immediate threat, seeing people or items causing agitation to a violent suspect, or understanding how some stimuli are altering behavior will aid an officer in responding well to an incident.²⁷

4. Force options - reasonable use of force techniques may reduce situational intensity for the safety of all parties.²⁸

The collection of information prior to and during the use of de-escalation and a threat risk assessment may be considered while using de-escalation techniques.²⁹ De-escalation should be an integral and standardized part of call intake prioritization and protocols.³⁰ Dispatch and other personnel will be trained to communicate the de-escalation plan and process prior to the arrival of field personnel.³¹ Dispatchers may have opportunities to de-escalate events prior to officer arrival, lessening the risk to officers and the public.³² Supervisors should give personnel sufficient time to safely use de-escalation techniques.³³

Pre-engagement techniques and tactics should include:

1. Planning and discussion of strategies and tactics.
2. Situational awareness and background.
3. Pre-load and manage available resources for appropriate and timely deployment as necessary.
4. Gather reliable intelligence and effectively share available information through the most efficient means:
 - a. Radio transmission or phone.
 - b. Computer Aided dispatch (CAD).³⁴

De-escalation techniques that are attempted or actually utilized should be documented in the appropriate reports related to an incident³⁵

De-escalation techniques that can be documented include, but are not limited to:

1. Information gathered prior to arriving at the scene

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ POST LO 20: Chapter 2- De-Escalation, pg. 2-6.

³⁰ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 68.

³¹ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 72.

³² De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 91.

³³ Id.

³⁴ Id. at pg. 66.

³⁵ Id.

2. Use of distance
3. Use of additional officers or a mental health/addiction support team, if available
4. Communication and verbalization techniques utilized
5. The level of success or failure of each de-escalation technique³⁶

When documenting de-escalation practices among agency personnel:

1. There should be post-incident follow-up with line-level personnel, whether the outcome is positive or negative (Debriefing).
2. The Sheriff's Office will use a tracking process to identify trends and **assess** deputy perceptions of whether their use of de-escalation techniques is effective.
3. Supervisors should not fill in gaps in reports:
 - a. Hold subordinates accountable and correct their reports, not by just correcting the mistake, but by teaching the correction.
 - b. Require full descriptions of the decision-making process and associated actions taken.³⁷

Supervisors should identify any policy or training issues resulting from an incident.³⁸

³⁶ Id.

³⁷ De-escalation Strategies and Techniques for California Law Enforcement, California Commission on POST, pg. 74.

³⁸ Id. at pg. 75.

ATTACHMENT 3

De-Escalation

104.1 PURPOSE AND SCOPE

De-Escalation tactics and techniques include nearly every action undertaken by a deputy(s) to reduce the chances of and control physical confrontations. How and when the tools of de-escalation are applied is of great importance to the Community and the Sheriff. The Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice.

104.2 POLICY

It is the policy of this Office that when all of the reasonably known circumstances indicate it is safe, prudent, and feasible to do so, a deputy(s) should attempt to slow down, reduce the intensity of, and stabilize potential violent encounters.

104.2.1 DEPUTY RESPONSIBILITIES

When time and circumstances reasonably permit, a deputy(s) should consider whether a subject's lack of compliance is a deliberate attempt to resist or is the result of an inability to comply based on factors including, but not limited to:

- Medical Conditions
- Mental Impairment
- Developmental Disability
- Physical Limitation
- Language Barrier
- Drug Interaction
- Behavioral Crisis

A deputies awareness of these possible limitations should be balanced against the facts of the incident and which tactical options are the most appropriate to bring the situation to a safe resolution, when time and circumstances reasonably permit. A deputy is not expected to engage in force de-escalation measures that could jeopardize the safety of Sheriff Office members and/or the community.

Where circumstances and time reasonably permit, a deputy(s) should take reasonable and prudent actions to attempt to mitigate the immediacy of the threat hereby giving the deputy(s) the opportunity to call more officers, utilize other tactics, or request specialty assistance, such as deputies trained in Crisis Intervention Techniques. Reducing the overall force used may be promoted by considering the use of other viable alternatives, such as:

- Containing the threat within a controlled area
- Decreasing the exposure to the potential threat by using distance between an uncooperative subject and a deputy

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- Maximizing the use of cover or concealment to reduce deputy(s) exposure to potential threats by placing the deputy(s) in a safer position
- Communicating from a safe position to gain the subject's compliance through the use of verbal persuasion, advisement, and/or warnings. Generally, communication techniques should engage active listening to calm agitated individuals and promote rational decision-making
- The deputy's physical actions may also de-escalate a potentially volatile/violent situation, ie, exhibiting a relaxed body language

When the circumstances warrant an application of force, deputies are required to be knowledgeable of the Sonoma County Sheriff's Office "Use of Force" Policy (#300), and follow the guidance and direction of that policy. The Use of Force policy directs that each deputy shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control.

This policy does not dictate when and how force should be applied. Instead, it serves to describe how deputies should work to decrease the intensity of a situation or potentially violent encounter. It is well recognized that the reduction of the intensity of an encounter may provide more desirable outcomes to various situations. However, not every situation can or will be resolved through the use of de-escalation techniques. That being understood, it is the Sheriff's Office's intent to resolve stressful encounters in the safest manner possible for the subject, the public, and the deputies involved.

ATTACHMENT 4

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this office is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

ACTIVE RESISTANCE/ASSAULTIVE BEHAVIOR: When a subject verbally or physically indicates their intent to inflict bodily injury, assaults a deputy, or any other person. The deputy reasonably believes there is an imminent danger of violence. The subject may assume a fighting stance, display boxing or mixed martial art skills, attempt to escape, prevent his/her arrest, interfere with a deputy's lawful authority by inflicting pain or physical injury to the deputy, or any other person.

COMPLIANCE TECHNIQUE: The level of force utilized by a deputy to gain the compliance and control of a subject who refused to comply with a deputy's verbal commands or physical control techniques.

COOPERATIVE/COMPLIANT: The actions of a subject when they yield to the authority of a deputy with whom they have official contact.

DEADLY FORCE: Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

DE-ESCALATION: When reasonable, deputies should consider slowing down an incident in a manner that allows them to decrease the intensity of a situation by creating more time, distance, and space which can allow for evaluating different tactical options during dynamic situations.

FEASIBLE FORCE: Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the deputy or another person (Government Code § 7286(a)).

FORCE: The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

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LESS-LETHAL WEAPON: An authorized weapon used to launch, fire, or propel less-lethal munitions to engage a subject with the intent to gain their compliance and overcome a subject's active resistance or assaultive behavior. Less-lethal munitions when used properly, are less likely to result in a serious bodily injury or fatality and can be used to de-escalate a potentially deadly situation. (Examples of less-lethal munitions include: Taser, foam/rubber batons, and chemical agents).

NO FORCE: The professional command presence or de-escalation skills used by deputies to control an incident and gain the voluntary compliance of a subject in any given situation.

PASSIVE RESISTANCE/NON-COMPLIANT: Refusal by a subject to comply with a deputy's verbal commands. When a subject is passive or resists a deputy's authority and direction. This includes verbal and physical cues of non-compliance, not physically resistive, but not complying.

REASONABLENESS: The Fourth Amendment "reasonableness" inquiry is whether the peace officers' actions were "objectively reasonable" in light of the facts and circumstances confronting them, at that moment, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that peace officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

REPORTABLE FORCE: Any use of physical force by a deputy of this Sheriff's Office shall be documented. It is the responsibility of the deputy using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy or law. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

SERIOUS BODILY INJURY: A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

TOTALITY OF THE CIRCUMSTANCES: All facts known to the deputy at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

VIOLENT FELONY: A violent, forcible, act committed by a subject which threatens serious bodily injury or fatality to the deputy, or any other person.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. On a daily basis, deputies are involved in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

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The Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests. It is the policy of this Office that deputies shall use only that force which is objectively reasonable, given the facts and circumstances known at the time of the event to effectively bring an incident under control.

"Reasonableness" of the use of force will be determined from the perspective of a reasonable deputy on scene at the time of the incident.

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable deputy under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 FAIR AND UNBIASED USE OF FORCE

Deputies are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

Any deputy who observes a law enforcement officer or an employee use force that potentially exceeds what the deputy reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.2.4 FAILURE TO INTERCEDE

A deputy who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the deputy who used force beyond that which is necessary (Government Code § 7286(b)).

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Deputies may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the approved or authorized tools, weapons, or methods provided by the Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 LEGAL AUTHORITY FOR USE OF FORCE

California Penal Code Section 835: An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subject to such restraint as is reasonable for his/her arrest and detention.

California Penal Code Section 835a: Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the subject being arrested; nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

Title 15, California Code of Regulations Section 3268: (Reasonable Force) The force that an objective, trained and competent employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to deputies or others (Penal Code § 835a).

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- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time (Penal Code § 835a).
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The conduct of the involved deputy leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with deputy commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (l) Training and experience of the deputy.
- (m) Potential for injury to deputies, suspects, bystanders, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the deputy.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed Office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the subject can comply with the direction or orders of the deputy.
- (c) Whether the subject has been given sufficient opportunity to comply.

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The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved, or is ineffective.

300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

Deputies of this office are not authorized to use a carotid restraint hold, except in situations where the use of deadly force is allowed by law. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Sonoma County Sheriff's Office for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, deputies should consider actions that may increase deputy safety and may decrease the need for using force:

- (a) Summoning additional resources that are able to respond in a reasonably timely manner.
- (b) Formulating a plan with responding deputies before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (c) Employing other tactics that do not unreasonably increase deputy jeopardy.

In addition, when reasonable, deputies should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)). Such alternatives may include but are not limited to:

- (a) Attempts to de-escalate a situation.
- (b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Deputies of this office are not authorized to use a choke hold, except in situations where the use of deadly force is allowed by law. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

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300.3.8 ADDITIONAL RESTRICTIONS

Terms such as “positional asphyxia,” “restraint asphyxia,” and “excited delirium” continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict a deputy’s use of reasonable control methods when attempting to restrain a combative individual, deputies are not authorized to use any restraint or transportation method which might unreasonably impair an individual’s breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the deputy shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a).

If an objectively reasonable deputy would consider it safe and feasible to do so under the totality of the circumstances, deputies shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, deputies should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the deputy reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the deputy or another person.
- (b) A deputy may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the deputy reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the deputy shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts.

Deputies shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable deputy would believe the person does not pose an imminent threat of death or serious bodily injury to the deputy or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable deputy in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury

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to the deputy or another person. A deputy's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, deputies should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others (Government Code § 7286(b)).

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, deputies should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

- (a) If the deputy does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the deputy reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the deputy no longer perceives such threat.

Once it is reasonably safe to do so, deputies should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE

Any use of physical force by a member of this Sheriff's Office shall be documented. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

It is the responsibility of the member using force to ensure that the use of force is documented completely, promptly, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy and/or law.

- (a) Body worn camera video footage shall be uploaded into Evidence.com and categorized as Use of Force.
- (b) Photographs of all involved parties shall be taken to document both physical injury and/or the lack of physical injury to any party.
 - 1. If for some reason a deputy is unable to capture body worn camera video footage or take photographs to document the physical condition of the parties involved in

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a use of force when he/she has a sustained or alleged an injury, the deputy shall document the reason these actions were not taken in a Sheriff's Office report.

300.5.1 NOTIFICATION TO SUPERVISORS

Any use of force by a deputy shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.
- (j) All incidents where a firearm is directly pointed at a person to gain compliance. This does not include the drawing of a firearm and maintaining it at a low ready, or safe direction away from the person contacted.

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Lieutenant, or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

300.6 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, properly trained deputies should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be

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fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a medical emergency should request medical assistance as soon as practical. In the Detention Division, all incarcerated inmates shall be seen by jail medical staff for any use of force.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.

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- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

Prior to going on their regular days off, the supervisor will complete a supplemental use of force report. A copy will be attached to the report writing data base and will be forwarded to the Watch Commander for review. An additional use of force report shall be completed in the Administrative Investigation Management (AIM) database and forwarded to the Watch Commander and Professional Standards Lieutenant for review.

In the event that the supervisor believes the incident may give rise to potential civil litigation, the Watch Commander and Risk Management shall be notified.

300.7.1 USE OF FORCE LIEUTENANT RESPONSIBILITY

The Use of Force Lieutenant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. If a use of force is determined to be potentially outside the parameters of this policy, it will be assigned to Internal Affairs for additional investigation to determine if there were any violations of this, or any other policy.

300.8 TRAINING

Deputies, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

Subject to available resources, the Professional Standards Bureau Lieutenant should ensure that deputies receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See the Training Policy for restrictions relating to deputies who are the subject of a sustained use of force complaint.

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300.8.1 TRAINING REQUIREMENTS

Assistant Sheriffs are required to ensure that all sworn personnel under their command qualify in accordance with this policy.

- (a) Use of Force Instructors refers to Defensive Tactics and Firearms Instructors.
- (b) The Use of Force Instructors will keep a record of all those who attend training.
- (c) All sworn personnel must attend use of force training each quarter.
 - (a) For the Law Enforcement Division, it will consist of, at minimum, four (4) hours of training: Two (2) hours of defensive tactics and two (2) hours of firearms.
 - (b) For the Detention Division, it will consist of, at minimum, two (2) hours of defensive tactics training.
- (d) The quarters will be divided as follows:
 - 1. First Quarter: January through March
 - 2. Second Quarter: April through June
 - 3. Third Quarter: July through September
 - 4. Fourth Quarter: October through December
- (e) Failure to comply with this training (attendance and/or qualification) may result in disciplinary action.
 - 1. Only the Sheriff, or his designee, may exempt a deputy from the provisions mandated in this policy.
 - 2. If a deputy fails to attend at least one use of force training during a quarter, the deputy shall attend the first training offered of the following quarter.
- (f) Management is not required to attend the defensive tactics portion of this training. Management from the Law Enforcement division is required to attend the firearms portion of the training.

If a deputy fails to qualify after remediation, the Use of Force Instructor shall immediately notify the Use of Force Lieutenant verbally, and shall prepare a memo to be sent, via chain of command, as soon as practical, for determination of action.

300.9 USE OF FORCE ANALYSIS

At least annually, the Law Enforcement Division Administration Captain and the Detention Division Captain, or their designee, should prepare a report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

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300.10 RECORDS RETENTION

Use of Force Reports shall be kept on file for a period of five (5) years, after which time such reports shall be deleted according to applicable State of California statute and County of Sonoma Ordinance.

300.11 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.12 POLICY REVIEW

The Sheriff or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.13 POLICY AVAILABILITY

The Sheriff or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.14 PUBLIC RECORDS REQUESTS

Requests for public records involving a deputy's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).